IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 15918 of 2007(T)

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PETITIONERS:

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1. V.R.BHASKARAN NAIR, AGED 52 YEARS,
   S/O.LATE RAMAN NAIR, VADAKKANETHU,
   EDAPPAVOOR P.O., RANNY TALUK.

2. M.V.SHAJI KUMAR, S/O.LATE VASUDEVAN
   NAIR, MELETHIL HOUSE, EDAPAVOOR P.O.,
   RANNY, PATHANAMTHITTA.

3. SAJEEV.M.R., S/O.RAVEENDRAN NAIR,
   MADATHETHU, EDAPAVOOR, RANNY, PATHANAMTHITTA.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   SECRETARY, DEPARTMENT OF CULTURAL AFFAIRS,
   KERALA GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. SECRETARY, DEPARTMENT OF TOURISM,
   KERALA GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR, PATHANAMTHITTA.

4. PATHANAMTHITTA DISTRICT PANCHAYATH,
   REPRESENTED BY ITS SECRETARY, PATHANAMTHITTA.

5. TRAVANCORE DEVASWOM BOARD,
   REPRESENTED BY ITS SECRETARY,
   THIRUVANANTHAPURAM.

6. AYIROOR GRAMA PANCHAYATH,
   REPRESENTED BY ITS SECRETARY, AYIROOR,
   KOZHENCHERRY, PATHANAMTHITTA.

7. ARANMULA PALLIYODA SEVA SANGAM,
REPRESENTED BY ITS SECRETARY, ARANMULA,
KOZHENCHERRY, PATHANAMTHITTA.

8. EDAPPAVOOR BAGHAVATHI KSHETHRA
BARANASAMITHI, EDAPAVOOR P.O., PATHANAMTHITTA.

9. E.N.RAVEENDRAN NAIR, PRESIDENT,
EDAPAVOOR BAGAVATHI KSHETHRA BARANASAMITHI,
EDAPAVOOR P.O., PATHANAMTHITTA, RESIDING AT
EDAMANNIL HOUSE, EDAPAVOOR, PATHANAMTHITTA.

10. M.K.BALACHANDRAN NAIR, SECRETARY,
EDAPAVOOR BAGAVATHI KSHETHRA BARANASAMITHI,
EDAPAVOOR P.O., PATHANAMTHITTA, RESIDING AT
KAILASOM (MOOKKENETHU HOUSE),
EDAPAVOOR, PATHANAMTHITTA.

11. P.G.VIKARAMA KAIL, TREASURER,
EDAPAVOOR BAGAVATHI KSHETHRA BARANASAMITHI,
EDAPAVOOR P.O., PATHANAMTHITTA, RESIDING AT
GEETHA BHAVANAM, EDAPAVOOR P.O., PATHANAMTHITTA.

12. P.R.VIJAYAN NAIR, PULIMUKATHU VEEDU,
EDAPPAVOOR P.O., PATHANAMTHITTA.

13. T.N.CHANDRASEKARAN, THOTTUNGAL,
EDAPPAVOOR P.O., PATHANAMTHITTA.

BY ADV. SRI.S.SUBHASH CHAND
SRI.S.HARIKRISHNAN
SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.V.VENUGOPALAN NAIR
R5 BY ADV.SRI.NAGARAJ NARAYANAN, SC, TDB
R1 TO R3 BY ADV. SRI. K.J. MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 15918 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE OCPY OF THE BYELAW, AS AVAILABLE TO THE PETITIONERS.

EXT.P2 : TRUE COPY OF THE REPRESENTATION BY SOME AMONG THE MEMBERS OF THE PUBLIC TO THE 10TH RESPONDENT.

EXT.P3 : TRUE COPY OF THE REPRESENTATION GIVEN TO RESPONDENTS 1,3 AND 7.

RESPONDENT'S EXHIBITS:

EXT.R8(A) : TRUE COPY OF THE RESOLUTION DT.22.5.07 PASSED BY THE GENERAL BODY OF THE 8TH RESPONDENT.

EXT.R8(B) : TRUE COPY OF THE PAMPHLET ISSUED BY THE PETITI0NERS REGARDING THE 'NEERANIYAL' OF their NEW EDAPPAVOOR-PEROOR PALLIYODAM INTO RIVER PAMPA SCHEDULED ON 9.9.06.

/TRUE COPY/

PA TO JUDGE

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 15918 OF 2007

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Dated this the 12th day of September, 2007

**JUDGMENT**

Having gone through the detailed pleadings which have been raised in this including the counter affidavit submitted by the 6th respondent Panchayat, I am of the view that the issues involved will have to be adjudicated by a competent Civil Court. I am informed that OS No.100 of 2007 has bee filed by two persons belonging to the very same village before the Ranni Munsiff's Court. It is open to the petitioners either to get themselves impleaded in that suit or to file their own suit arraying all necessary parties including the Ranni Panchayat and the other respondents in this Writ Petition. In fact, there is considerable dispute between the writ petitioners and the parties as to with whom the ownership of the Palliyodam in question rests. The Panchayat in its counter affidavit takes the stand that the Palliyodam does not belong to the Panchayat. But the petitioner continues to assert that under Section 171 of the Panchayat Raj Act, the Palliyodam is the property of the Panchayat. I am of the view that contentious issues like the present ones will have to be resolved through the forum of a competent Civil Court. I dispose of the Writ Petition relegating the parties to the Civil Court. Responding to a submission of the learned

counsel for the petitioner that the Palliyodam in question will be disposed of immediately by the concerned respondent, it was submitted by the counsel for respondents 8 to 13 that the apprehension is without basis and that in any event the Palliyodam is not going to be disposed of for a period of one month from today. Considering the submissions made on behalf of respondents 8 to 13 and also those on behalf of 7th respondent, I direct the 8th respondent not to sell the Edappavur B batch (old) Palliyodam in question for a period of six weeks from today.

**PIUS C. KURIAKOSE, JUDGE**

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